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John E. Toupal
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Framingham, MA 01702

In re Application of :
SUPLINSKAS :
U.S. Application No.: 10/535,377 : DECISION ON REQUEST
PCT No.: PCT/US03/20628 :
Int. Filing Date: 01 July 2003 : UNDER 37 CFR 1.42
Priority Date: 26 November 2002 :
Attorney Docket No.: D.1587-PCT-US :
For: SUBSTRATE AND METHOD FOR THE :
FORMATION OF CONTINUOUS MAGNESIUM :
DIBORIDE AND DOPED MAGNESIUM :
DIBORIDE WIRES :
:

This decision is in response to applicant's "Response to Notification of Missing Requirements" filed in the United States Patent and Trademark Office (USPTO) on 14 February 2006. The response is being treated as a request for status under 37 CFR §1.42. No petition fee is due.

BACKGROUND

On 01 July 2003, applicant filed international application PCT/US03/20628 which claimed priority to an earlier application filed 26 November 2002. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 26 May 2005.

On 19 May 2005, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 07 November 2005, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 14 February 2006, applicant filed the present response accompanied by a petition for a two-month extension of time and payment of the appropriate extension of time fee. As such, the response is considered timely filed.

DISCUSSION

Pursuant to 37 CFR 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

The declaration filed 14 February 2006 is executed by Janet Suplinskas as the sole heir and legal representative to estate of deceased inventor, Raymond J. Suplinskas. The declaration provides the residence, post office address and country of citizenship for both the deceased inventor and his legal representative and thus satisfies the provisions of 37 CFR 1.497(a)-(b). Therefore, it is proper to grant applicant's request for status under 37 CFR 1.42 at this time.

CONCLUSION

Applicant's request for status of papers under 37 CFR 1.42 is **GRANTED**.

This application will be given an international application filing date of 01 July 2003 and a date of **14 February 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.

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